

CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 07/06/04

AGENDA ITEM 5

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Emergency Water System Intertie Project: Approval of Plans and Specifications and Call for Bids, Approval of Addendum for Mitigated Negative Declaration, Approval of Ground Lease for Skywest Pump Station and All Related Documents

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolutions which:

1. Approve the Addendum to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MND/MMRP) and the Plans and Specifications for the Emergency Water System Intertie Project and call for bids to be received on August 17, 2004;
2. Authorize the City Manager to negotiate and execute various lease agreements and easements associated with the project; and
3. Authorize an amendment to the agreement with Carollo Engineers for additional Professional Services.

BACKGROUND:

In September 2002, a feasibility study of a regional water system Intertie between Hayward, Alameda County Water District (ACWD), East Bay Municipal Utility District (EBMUD), and San Francisco Public Utilities Commission (SFPUC) was initiated. The study evaluated the viability of conveying potable water between the EBMUD and SFPUC systems using existing and proposed facilities in the City of Hayward in the event that a serious disruption in water supply capacity occurs. The study determined that the project was feasible and recommended construction of an intertie pump station in the City of Hayward and approximately 1.5 miles of pipeline to connect the two water systems. On October 25, 2002, the City approved a Memorandum of Agreement (MOA) with ACWD, EBMUD, and SFPUC to develop CEQA environmental documentation on the proposed intertie system. ACWD, while participating in the Environmental Review, has determined that it receives no special benefit from the

construction of the intertie above and beyond that of other wholesale customers, and is not otherwise affected by the project, and is, therefore, not participating further.

DISCUSSION:

The proposed intertie project facilities would be located primarily in Hayward. The proposed pump station ("Skywest" Pump Station) would be constructed on Hayward Executive Airport property on an unoccupied parcel located at the southwest corner of Skywest Drive and Hesperian Boulevard. The proposed pipeline, connecting the Skywest Pump Station and the EBMUD and SFPUC systems, would be located along Golf Course Road, Skywest Drive and along Hesperian Boulevard on the Airport property, and end at the southwest corner of West Winton Avenue and Hesperian Boulevard in the parking lot area of Toys-R-Us. Because most of the facilities needed for the project would be located in Hayward, the City was the lead Agency on the environmental review process. The City has agreed to manage the design and construction process.

On April 8, 2003, City Council approved the project and the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) prepared by Environmental Science Associates, Inc., (ESA). Since approval of the Project, it has been determined that the original proposed parcel for the pump station, off Skywest Drive adjacent to the existing La Quinta Inn and Home Depot, should be preserved for development of other uses. Therefore, an alternative site, an unoccupied parcel located at the southwest corner of Skywest Drive and Hesperian Boulevard was selected. In addition, in order to minimize the impact on traffic on Hesperian Boulevard, minor revisions are proposed to the alignment of the proposed pipeline by utilizing the Airport frontage for the new 36-inch water line along with a 20-foot easement within Airport property and Toys-R-Us parking lot, and to the construction hours for the portion of work at Hesperian Boulevard and Golf Course Road. On November 26, 2003, staff met and discussed the project elements with residents and business owners in affected area. The business owners suggested that construction should occur during night time hours. The City will notify the business owners of the construction schedule. Staff recommends that the Council approve the addendum to the IS/MND document and the MMRP, and approve the project.

The proposed Skywest Pump Station will occupy 24,974 square feet of the Airport property and the use has been approved by FAA. The terms of lease are consistent with other leases for Airport tenants. It is recommended the City Council approve the execution of the lease agreement with EBMUD and SFPUC.

On April 8, 2003, Council also approved the execution of a consultant agreement with Carollo Engineers to provide professional services for the project. The agreement contains a not-to-exceed limit of \$1,100,000, which includes approximately \$100,000 for additional services. During the design period, the City, EBMUD and SFPUC have requested additional services such as aqueduct assessment, surge analysis, and additional design for the Newark Turnout. These services exceeded the allocated extra services amount. Both SFPUC and EBMUD have agreed with the additional extra services funding. Therefore, Staff requests an increase of \$375,000 in additional services, for an overall amount of \$475,000. If this is approved, the entire contract

with Carollo Engineers will be \$1,475,000. This action will not result in actual increase in this project's cost to the City, as the funds will be repaid by SFPUC and EMBUD.

Project Cost:

Project Management and Administration (funded by City)	\$ 125,000
Professional Design Services	1,475,000
Construction Cost	14,300,000
Inspection and Construction Management Provided by City	480,000
PG&E and Other Services	<u>245,000</u>
Total:	\$ 16,500,000

Funding:

The estimated cost of \$16.5 million dollars for the intertie projects will be fully funded by SFPUC and EBMUD, except for the City's \$125,000 contribution of project management and other administrative support to manage the work. A total of \$16,501,000 has been appropriated for the Regional Water Intertie Facilities Projects in the Regional Water Intertie Fund of the City's Capital Improvement Program. SFPUC and EBMUD have agreed to deposit advance funds to cover all but the City's contribution of the costs.

Schedule:

The following tentative project schedule has been developed for this project:

Bid Opening	August 17, 2004
Award Construction Contract	September 14, 2004
Begin Construction	November 2004
Construction Completion	April 2006

Actions by SFPUC and EBMUD:

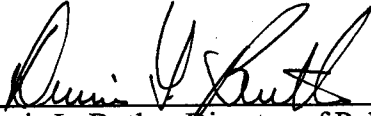
SFPUC and EBMUD will each have to approve the addendum to IS/MND and MMRP, approve the project, and approve additional funding for the construction of the Intertie. Both agencies have scheduled these actions for early September 2004, prior to the City's award of Construction Contract.

Prepared by:



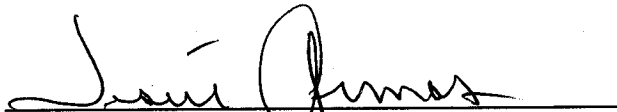
Alex Ameri, Deputy Director of Public Works

Recommended by:



Dennis L. Butler, Director of Public Works

Approved by:



Jesús Armas, City Manager

Attachments:

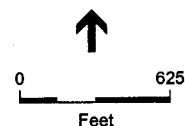
Exhibit A - Project Location Map

Exhibit B – Addendum to the Initial Study and Mitigated Negative Declaration and Mitigation
Monitoring and Reporting Program



LEGEND

RES	Residential
COM	Commercial
IND	Industrial



SFPUC-COH-EBMUD Emergency Water System Intertie Project

Exhibit "A"

Project Location Map

Project No. 7090

ADDENDUM TO THE SFPUC-COH-EBMUD WATER SYSTEM EMERGENCY INTERTIE PROJECT

1. BACKGROUND

The City of Hayward (City), acting as Lead Agency, and in coordination with San Francisco Public Utilities Commission (SFPUC), East Bay Municipal Utility District (EBMUD), and Alameda County Water District (ACWD), evaluated the potential effects associated with implementation of the Water System Emergency Intertie Project in an Initial Study / Mitigated Negative Declaration (SCH No. 2003022126, published February 26, 2003). The MND identified potential impacts that would occur as a result of construction or implementation of the project, and identified mitigation measures that would reduce potential impacts to less-than-significant levels. The City Council adopted the MND and Mitigation Monitoring and Reporting Program (MMRP), as well approved the Project on April 8, 2003. EBMUD and SFPUC, as Responsible Agencies under CEQA, took separate actions to adopt the MND / MMRP and approve the Project.

The adopted MND evaluated the construction of a pump station and approximately 1.5 miles of pipeline that would connect the EBMUD and SFPUC water systems in the event of an emergency such as natural disaster or outage associated with repairs. The project would be located within the three water service areas of EBMUD, Hayward, and ACWD, but primarily on the City of Hayward Executive Airport property in the City of Hayward.

The pump station ("Skywest" Pump Station) evaluated in the adopted MND would be located on an unoccupied parcel off of Skywest Drive adjacent to the existing La Quinta Inn and Home Depot. The pipeline analyzed in the adopted MND, connecting the Skywest Pump Station and the EBMUD and SFPUC systems, would be located along Skywest Drive and Hesperian Boulevard. The adopted MND also evaluated other minor improvements, including valve replacements and minor pipe and bypass installations.

Since approval of the Project, the City has determined that the parcel originally proposed for the pump station would be preserved for development of other uses. Therefore, an alternative site (herein referred to as "relocation site"), also located within the property boundaries of the Hayward Executive Airport, was selected for development of the proposed pump station. The relocation site is situated at the corner of Skywest Drive and Hesperian Boulevard.

2. CEQA PROCESS

The *CEQA Guidelines* (Sections 15162 and 15164) require that a lead agency prepare an addendum to a previously certified Negative Declaration if some changes or additions to the environmental evaluation of a project are necessary but none of the following occurs:

1. There are no substantial changes in the project which require major revisions to the Negative Declaration or a substantial increase in the severity of previously identified significant effects;

2. There are no substantial changes with respect to the circumstances under which the project is undertaken which require major revisions to the Negative Declaration; or
3. No new information of substantial importance, which could not have been known with the exercise of reasonable diligence at the time of Negative Declaration adoption, shows any of the following:
 - (i) the project will have one or more significant effects not discussed in the Negative Declaration,
 - (ii) the project will result in impacts substantially more adverse than those disclosed in the Negative Declaration,
 - (iii) mitigation measures or alternatives previously found not to be feasible will in fact be feasible and will substantially reduce one or more significant effects of the project, but the project proponent declines to adopt it, or
 - (iv) mitigation measures or alternatives that are considerably different from those analyzed in the EIR will substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt it.

This Addendum documents that the proposed change to Water System Emergency Intertie Project does not trigger any of the conditions described above.

In accordance with CEQA Guidelines Section 15164, an Addendum need not be circulated for public review but requires consideration by the decision-making body along with the adopted negative declaration prior to making a decision on the project. The Addendum should include a brief explanation of the decision not to prepare a subsequent Negative Declaration and the lead agency's required findings on the project.

3. DESCRIPTION OF SKYWEST PUMP STATION RELOCATION

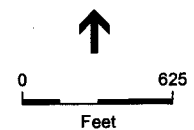
The City of Hayward proposes the relocation of the Skywest Pump Station from the parcel located at the corner of Skywest Drive and West A Street (identified in the adopted MND) to a parcel located at the southwest corner of Skywest Drive and Hesperian Boulevard (see **Figure 1**). Both sites are located within the boundaries of the Hayward Executive Airport. The City has determined that a smaller size parcel would be more appropriate to maintain the development potential of the larger, original site. Although such a change is not mandatory, the City decided to relocate the Skywest Pump Station to preserve the parcel for future development opportunities.

The proposed pump station relocation site would be located on a vacant lot with non-native grasses, weeds, and several ornamental trees (see **Figure 2**). Four to five ornamental, non-protected trees would be removed as part of the project. The proposed pump station site, which would have approximately the same footprint (160 by 100 feet) and consist of a similar size pump building (approximately 100- by 40- by 18- feet high) and clearance for vehicle access, would generally be confined within the parcel. The pump station would maintain the same design as previously proposed (see page 1-9 of the adopted MND), with the exception of an additional



LEGEND

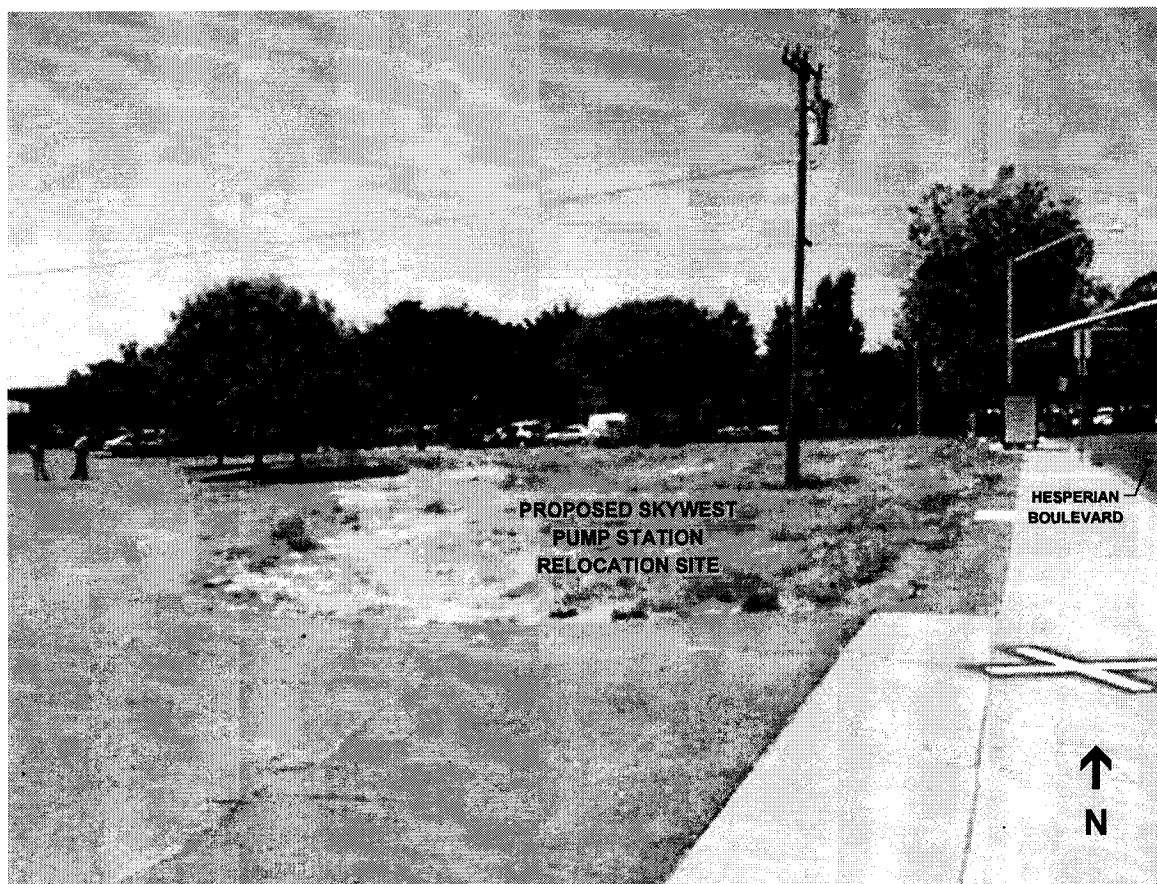
RES Residential
 COM Commercial
 IND Industrial



SOURCE: Environmental Science Associates

SFPUC-COH-EBMUD Water System Emergency Intertie Project Addendum / 202702 ■

Figure 1
 Proposed Intertie Project-
 Relocated Skywest Pump Station



SOURCE: Environmental Science Associates

SFPUC-COH-EBMUD Water System Emergency Intertie Project Addendum / 202702 ■

Figure 2
Photo of Relocation Site
(Facing Northwest)

entrance into the site. The site would be primarily accessed via Skywest Drive, with an emergency entrance from Hesperian Boulevard. Development of the site would not affect access into the warehouses via the adjoining paved road.

The construction and operation of the pump station would be the same as described in the adopted MND. Construction activities would require the same phases involving grading, excavation, structural erection, and back filling (described on page 1-19 of the adopted MND). The pump station would operate during maintenance or emergency events only, and would be exercised once a week to ensure that the facilities are in proper working order. Operations of the pump station are described on pages 1-16 through 1-18 of the adopted MND.

4. ANALYSIS OF POTENTIAL ENVIRONMENTAL EFFECTS

The adopted MND evaluated the following environmental issues: aesthetics; agricultural resources; air quality; biological resources; cultural resources; geology and soils; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation/traffic; and utilities and service systems. These issues are re-evaluated in this Addendum for the proposed pump station relocation. This evaluation determines whether, with the relocation of the pump station, the Water System Emergency Intertie Project would result in any new significant impacts or substantially more severe impacts than identified in the adopted MND. The environmental checklist, starting on page 2-3 of the adopted MND, describes the criteria used in determining the significance of environmental impacts.

AESTHETICS

The adopted MND (pages 2-3 through 2-4) identifies potential lighting impacts, and temporary visual quality impacts from construction of the proposed Skywest Pump Station. Like the pump station analyzed in the MND, the proposed relocation site is surrounded by commercial and industrial uses, where there are no scenic vistas or scenic resources (i.e., scenic highway) in the vicinity. The relocation site is surrounded by airport uses to the south and west, a laboratory equipment rental office to the north, and the six-lane Hesperian Boulevard to the east (see **Figure 1**). No changes to the design and height of the facility are proposed. Therefore, the proposed modification would not result in new, significant impacts or increase the severity of existing impacts associated with aesthetics beyond those identified in the adopted MND. Landscaping to soften the industrial appearance of the pump station, as well as implementation of mitigation measures identified in the MND (page 2-4), would reduce aesthetics impacts from the proposed pump relocation to less-than-significant levels.

AGRICULTURAL RESOURCES

The adopted MND (page 2-5) does not identify any impacts to agricultural resources from the proposed Skywest Pump Station. Like the pump station analyzed in the MND, the proposed relocation site is situated in an urban setting, surrounded by commercial and industrial uses. No agricultural resources are located onsite. Therefore, the proposed modification would not result in new, significant impacts to agricultural resources.

AIR QUALITY

The adopted MND (pages 2-6 through 2-7) identifies potential impacts from direct air emissions through the operation of the emergency diesel-powered generator, and a temporary increase in air pollutant emissions during construction of the proposed Skywest Pump Station and pipeline component of the project. Like the pump station analyzed in the MND, the proposed relocation site is surrounded by commercial and industrial uses. Residences are located east of the relocation site, across six lanes of Hesperian Boulevard. Impacts to residences are evaluated in the MND for the pipeline component of the project, which is adjacent to the proposed relocation site. No operation changes are proposed as part of the modification. Therefore, the proposed modification would not result in new, significant impacts or increase the severity of existing impacts associated with air quality beyond those identified in the adopted MND. Implementation of mitigation measures identified in the MND (pages 2-7 through 2-8), would reduce air quality impacts from the proposed pump relocation to less-than-significant levels.

BIOLOGICAL RESOURCES

The adopted MND (pages 2-9 through 2-12) does not identify any potentially significant impacts to biological resources from the proposed Skywest Pump Station. The proposed pump station relocation site is located within an urban area, on a parcel covered by non-native grasses, weeds, and several ornamental trees (Japanese Zelkova). It is located nearly 1,000 feet south of Sulphur Creek. Like the pump station analyzed in the MND, no habitat supporting wetlands or special status species is located at the proposed relocation site. Four to five trees would be removed at the proposed relocation site. These trees are considered ornamental, and are not considered heritage or protected trees. Potential impacts to nesting birds associated with removal of trees would be avoided as construction activities would begin in January (outside of the nesting season). Therefore, the proposed modification would not result in new, significant impacts to biological resources.

CULTURAL RESOURCES

As indicated on page 2-13 of the adopted MND, no recorded archaeological resources are located along the pipeline corridor. Because Hayward Executive Airport is located within a designated “moderate” sensitivity zone for archaeological resources, the potential for encountering unknown cultural resources may occur. Like the pump station analyzed in the MND, the proposed relocation site is located within the Hayward Executive Airport, and adjacent to the pipeline corridor, for which a cultural resources search was conducted. Therefore, the proposed modification would not result in new, significant impacts or increase the severity of existing impacts associated with cultural resources beyond those identified in the adopted MND. Implementation of mitigation measures identified in the MND (page 2-14), would reduce cultural resources impacts from the proposed pump relocation to less-than-significant levels.

GEOLOGY AND SOILS

The adopted MND (pages 2-15 through 2-17) identifies potential impacts including soil erosion, unstable soils, and intense groundshaking from earthquakes from the proposed Skywest Pump

Station. Like the pump station analyzed in the MND, the proposed relocation site has the same topography, soil types and seismic hazards. Therefore, the proposed modification would not result in new, significant impacts or increase the severity of existing impacts associated with air quality beyond those identified in the adopted MND. Implementation of mitigation measures identified in the MND (pages 2-17 through 2-18), would reduce geology and soils impacts from the proposed pump relocation to less-than-significant levels.

HAZARDS AND HAZARDOUS MATERIALS

The adopted MND (pages 2-19 through 2-23) identifies potential impacts from the transport, use, storage, and disposal of hazardous materials, as well as the potential that site disturbance could expose hazardous materials from known or unrecorded spills from the proposed Skywest Pump Station. Like the pump station analyzed in the MND, the proposed relocation site would have the same potential for encountering hazardous material during construction, and the project would require the transport, use, storage, and disposal of hazardous materials. Therefore, the proposed modification would not result in new, significant impacts or increase the severity of existing impacts associated with air quality beyond those identified in the adopted MND. As described on page 2-21 of the adopted MND, a Phase I Environmental Assessment would be conducted prior to development of the Skywest Pump Station to assess the presence or absence of hazardous materials onsite. In addition, implementation of mitigation measures identified in the MND (pages 2-23 through 2-24), would reduce hazards and hazardous materials impacts from the proposed pump relocation to less-than-significant levels.

HYDROLOGY AND WATER QUALITY

The adopted MND (pages 2-25 through 2-27) identifies potential water quality impacts to Sulphur Creek from construction activities, as well as water quality degradation of downstream waterways through sedimentation into local storm drains from the proposed Skywest Pump Station. Like the pump station analyzed in the MND, the proposed relocation site is located near Sulphur Creek and would have the same potential for water quality degradation of downstream waterways from construction. Therefore, the proposed modification would not result in new, significant impacts or increase the severity of existing impacts associated with air quality beyond those identified in the adopted MND. Implementation of the mitigation measure identified in the MND (page 2-27), would reduce hydrology and water quality impacts from the proposed pump relocation to less-than-significant levels.

LAND USE AND PLANNING

The adopted MND (pages 2-28 through 2-29) does not identify any impacts to land use and planning resources from the proposed Skywest Pump Station. Like the pump station analyzed in the MND, the proposed relocation site is located within the Hayward Executive Airport property boundary, surrounded by commercial and industrial uses. The proposed relocation site is currently undeveloped and is not planned for development in the future. It is not located within a critical, designated zone (i.e., runway protection zone, inner safety zone, inner turning zone, outer safety zone, sideline safety zone, traffic pattern zone). No changes to the height of the facility are proposed. The City determined that usage of the smaller, proposed relocation site would increase

the development potential of the larger, original pump station site. As such, relocation of the proposed pump station would not result in land use conflicts or incompatibility issues. Therefore, no new significant impact would result from the proposed modification.

MINERAL RESOURCES

The adopted MND (page 2-30) does not identify any impacts to mineral resources from the proposed Skywest Pump Station. Like the pump station analyzed in the MND, the proposed relocation site is situated in an urban setting, surrounded by commercial and industrial uses. Therefore, the proposed modification would not result in new, significant impacts to mineral resources.

NOISE

The adopted MND (pages 2-31 through 2-34) identifies potential noise impacts associated with construction and operation of the proposed Skywest Pump Station. Like the pump station analyzed in the MND, the proposed relocation site would have potential noise impacts from construction and operation of the pump station. Sensitive receptors are located east of the relocation site, across six lanes of Hesperian Boulevard. Implementation of a residential rated noise attenuator on the pump facility would ensure that noise levels would not be exceeded at sensitive receptors. Therefore, the proposed modification would not result in new, significant impacts or increase the severity of existing impacts associated with noise beyond those identified in the adopted MND. Implementation of mitigation measures identified in the MND (pages 2-34 through 2-35), would reduce noise impacts from the proposed pump relocation to less-than-significant levels.

POPULATION AND HOUSING

The adopted MND (page 2-36) does not identify any impacts to population and housing from the proposed Skywest Pump Station. Like the pump station analyzed in the MND, the proposed relocation site would not result in growth inducement or secondary effects of growth. Therefore, the proposed modification would not result in new, significant impacts to population and housing.

PUBLIC SERVICES

The adopted MND (page 2-37) does not identify any impacts to public services from the proposed Skywest Pump Station. Like the pump station analyzed in the MND, the proposed relocation site is a vacant parcel, surrounded by commercial and industrial uses. The proposed modification does not include elements that would result in the alteration of government facilities, nor would it result in the need for or creation of increased public services. Therefore, the proposed modification would not result in new, significant impacts to public services resources.

RECREATION

The adopted MND (page 2-37 through 2-38) identifies potential impacts from the proposed pipelines along Golf Course Road. The proposed relocation site, approximately 3,400 feet from Golf Course Road, is a vacant parcel surrounded by commercial and industrial uses.

Construction of the proposed pump station at the relocation site would have no effect on existing or future recreational facilities. Therefore, the proposed modification would not result in new, significant impacts to recreation resources.

TRANSPORTATION / TRAFFIC

The adopted MND (pages 2-39 through 2-44) identifies potential traffic impacts associated with construction and operation of the proposed Skywest Pump Station. Like the pump station analyzed in the MND, the proposed relocation site would have traffic impacts during construction. Construction-related equipment and trucks for the relocation site would also be stored within the empty lots along Skywest Drive. Therefore, the proposed modification would not result in new, significant impacts or increase the severity of existing impacts associated with transportation and traffic beyond those identified in the adopted MND. Implementation of the mitigation measure identified in the MND (pages 2-44 through 2-45), would reduce transportation and traffic impacts from the proposed pump relocation to less-than-significant levels.

UTILITIES AND SERVICE SYSTEMS

The adopted MND (page 2-46 through 2-47) does not identify any significant impacts to utilities and service systems from the proposed Skywest Pump Station. Like the pump station analyzed in the MND, the proposed relocation site would not have significant impacts to utilities and service systems. Therefore, the proposed modification would not result in new, significant impacts to utilities and service systems resources.

5. CONCLUSIONS

The proposed modifications to the Water System Emergency Intertie Project would result in impacts similar to those attributable to the originally proposed project, and therefore would require implementation of the mitigation measures presented in the MND (provided below). This Addendum does not change the conclusions of the MND and MMRP that was adopted by the City Council in April 2003. **Attachment A** to this document presents mitigation measures from the adopted MND that apply to, and will be carried out as part of, the proposed modifications to the Water System Emergency Intertie Project.

Based on the above analysis and discussion, no significant revisions to adopted MND are needed because: 1) no new significant impacts or substantially more severe impacts would result from the proposed relocation of the proposed Skywest Pump Station, 2) there have been no changes in circumstances in the project area that would result in new significant environmental impacts or substantially more severe impacts, and 3) no new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were discussed in the MND. Therefore, no further evaluation is required, and no or Subsequent Negative Declaration is needed pursuant to State CEQA Guidelines Sections 15162 and 15164.

Attachment A Mitigation Measures

AESTHETICS

Measure AES-1 This measure applies to all project components. The City of Hayward or its contractors shall restore disturbed areas to their pre-project conditions, such that short-term construction disturbance does not result in long-term visual impacts.

Measure AES-2: This measure applies to the Skywest Pump Station. The City, or its contractors, shall ensure that all permanent exterior lighting at the Skywest Pump Station is directed downward and oriented away from sensitive uses to ensure that diffuse light does not affect surrounding land uses.

Other Measure: Landscaping shall be planted in accordance with the City's Design Guidelines, and would soften the industrial appearance of the pump station.

AIR QUALITY

Measure AQ-1: This measure applies to the Skywest Pump Station. The City shall acquire relevant permits from the BAAQMD associated with the use of a diesel-powered generator. Compliance with the permit conditions (including implementation of Best Available Control Technology (BACT)) would ensure that pollutants emitted from operation of the generator would meet emissions standards and thus would reduce potential air quality impacts to less-than-significant levels. Examples of these conditions include, but are not limited to: constraints on the use of the generator, implementation of BAAQMD approved sources tests to verify compliance with emissions standards, and preparation of monthly reporting materials to be made available to BAAQMD upon request.

Measure AQ-2: The list of measures below is recommended by BAAQMD as feasible control measures to reduce construction dust emissions. The construction contractor shall implement dust control, which includes but are not limited to, the following elements:

- Water all active construction areas daily;
- Discontinue construction grading activity in wind conditions that cause excessive neighborhood dust problems;
- Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer) in accordance with Section 23114 of the California Vehicle Code during transit to and from the site;
- Pave, apply water or (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites;

- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets; and
- Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.

CULTURAL RESOURCES

Measure CR-1: The following measure shall be implemented to minimize potential adverse impacts to unknown cultural resources during construction and applies to all project components:

If cultural resources are encountered during construction of the project, the contractor shall avoid altering the materials and discontinue earthwork within 100 feet of the find. At this time, the contractor must contact a qualified archaeologist, one certified by the Registry of Professional Archeologists (RPA), to evaluate the situation. Any identified archaeological resources shall be recorded by the archaeologist on form DPR 422 (archaeological sites) and/or DPR 523 (historic properties) or similar forms. Project personnel shall not collect cultural resources. Procedures for stopping construction in the event that cultural resources are exposed shall be part of the project plans and specifications. In anticipation of discovering cultural deposits, procedures shall be in place so that the contractor can move on to another phase of work, thus allowing sufficient time to evaluate the nature and significance of the find and implement appropriate management procedures.

Measure CR-2: The following measure shall be implemented in the event that human remains are unearthed during construction and applies to all project components:

In the event that prehistoric human remains are encountered, there shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent human remains until the County coroner makes a determination. If the coroner determines that the remains are Native American, then the Native American Heritage Commission in Sacramento shall be contacted within 24 hours, along with the Most Likely Descendant(s) of the deceased Native American. The dignified treatment or disposition of Native American burial remains and artifacts shall be agreed upon by the City and the appropriate Native Americans in advance of construction (as provided by Public Resources Code Section 5097.98) and shall be written into construction specifications.

GEOLOGY AND SOILS

Measure GEO-1: This measure is applicable to the Skywest Pump Station. Proposed facilities would be designed in accordance with the 2001 California Building Code (based on 1997 Uniform Building Code) requirements for seismic activity or more stringent local building code provisions.

Measure GEO-2: This measure is applicable to the Skywest Pump Station and Proposed Pipeline. An analysis of expansive and liquefiable soils shall be conducted as part of the geotechnical investigation for the proposed Skywest Pump Station and proposed pipeline. The investigation shall be conducted by a licensed geotechnical engineer. The study shall provide recommendations applicable to foundation design, earthwork, and site preparation prior to or

during the project design phase. Recommendations shall address site specific and adverse soil conditions associated with unstable soils that could affect development of the project. Measures to reduce potential impacts associated with expansive or liquefiable soils include, but are not limited to, the following:

- Removal of the unstable soil, and placement and compaction of select engineered fill for the building pad and foundation support in accordance with ASTM Test Method D 1557; and/or
- Lime treatment of the native expansive clay soils;
- Mixture of the unstable soil with coarse material; or
- Incorporation of a rigid, reinforced concrete slab design.

HAZARDS AND HAZARDOUS MATERIALS

Measure HM-1: This measure applies to the Skywest Pump Station if 55 gallons or more of diesel is stored onsite. The City shall prepare a HMBP for the Skywest Pump Station prior to its operation; the Plan shall specify the emergency response procedures identified below in the event of a chemical emergency. The City shall provide a copy of the HMBP to the City's Fire Department as part of the Hazardous Materials Program.

- A fire, spill, release or threatened release of hazardous materials or hazardous waste is immediately reported to the facility supervisor during normal working hours and during off hours. If emergency assistance is required, the initial observer or supervisor calls 911.
- The supervisor and/or on-site personnel will notify appropriate City staff or regulatory agencies and/or initiate site-specific response plans or procedures, as appropriate.
- Concurrent with notification, trained personnel or outside contractors will begin cleanup and/or containment of the spill or release as soon as it is safe to do so.
- Should evacuation be necessary, the facility supervisor or incident commander will direct personnel to evacuate the facility. Upon notification, all employees will immediately secure their area and proceed to the assembly area prescribed by the evacuation plan map.
- In the event of an earthquake, conflagration, flood or other major emergency, the evacuation and response plans will be invoked.
- In the event that an employee experiences a serious chemical exposure, illness, or injury, 911 is called and the victim will be transported to the nearest hospital or treated as determined by the paramedics responding to the call. For lesser exposures, any affected employee will be transported to a local medical facility in accordance with City procedures.

Measure HM-2: This measure applies to the Skywest Pump Station if 1,320 gallons of diesel is stored in aboveground storage tanks. The City shall retain a Registered Chemical Engineer to prepare a SPCC Plan in accordance with the guidelines contained in the United States Environmental Protection Agency's regulations on oil pollution prevention (40 CFR 112). This plan discusses procedures, methods, and equipment in place at the facility to prevent discharges

of petroleum from reaching navigable waters. A complete copy of the Plan shall be maintained on site.

Measure HM-3: This measure applies to all components. The following hazardous materials management, spill prevention, and spill response/cleanup measures shall be included in contractor specifications for all proposed facilities:

- A facility site plan, including delineation of hazardous material and hazardous waste storage areas, access and egress routes, waterways, emergency assembly areas, and temporary hazardous waste storage areas;
- Materials Safety Data Sheets for all chemicals used and stored at the construction site;
- Spill control and countermeasures, including employee spill prevention/response training;
- An inventory list of emergency equipment;
- Off-loading, safety, and handling procedures for each chemical;
- Notification and documentation procedures.

Measure HM-4: The following procedures shall be included in contractor specifications, in the event that contaminated soils are identified (either visually or through odor detection) during construction activities:

- Stop work in areas of contact;
- If necessary, call responsible agencies. Typically, the Alameda County Health Care Services Agency and the Department of Environmental Health, would be the responsible agency; the San Francisco Bay Regional Water Quality Control Board could be involved if the groundwater or surface water is contaminated, and the California Department of Toxic Substances Control could become involved if soils are contaminated;
- Fence off areas of contamination;
- Perform appropriate clean-up procedures; and
- All contaminated soils would be segregated, profiled, and disposed of appropriately off-site. Required disposal method will depend on the types and concentrations of chemicals identified in the soil. Any site investigations or remediations will be performed in accordance with applicable laws.

Other Measure: In accordance with the City's standard procedures, a Phase I Environmental Assessment shall be conducted prior to development of the Skywest Pump Station to assess the presence or absence of hazardous materials onsite.

HYDROLOGY AND WATER QUALITY

Measure WQ-1: This measure applies to all project components. Best Management Practices shall be implemented to minimize potential water quality impacts during construction.

The City, SFPUC, and EBMUD shall require contractors to implement Best Management Practices (BMPs) for construction activities as specified by the California Storm Water Best Management Practices Handbook (Stormwater Quality Task Force, 1993) and/or the Manual of Standards for Erosion and Sediment Control Measures (ABAG, 1995). The BMPs include measures guiding the management and operation of construction sites to control and minimize the potential contribution of pollutants to storm runoff from these areas. These measures address procedures for controlling erosion and sedimentation and managing all aspects of the construction process to ensure control of potential water pollution sources. Erosion and sedimentation control practices include installation of silt fencing, straw wattle, soils stabilization, revegetation, and runoff control to limit increases in sediment in storm water runoff (e.g., detention basins, straw bales, silt fences, check dams, geofabrics, drainage swales, and sand bag dikes).

NOISE

Measure N-1: The following measures apply to all components and shall be implemented to minimize potential noise impacts during construction:

To reduce noise impacts due to construction, the City shall require that construction contractors muffle or control noise from construction equipment through implementation of the following measures:

- Equipment and trucks used for construction should utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, installation of sound blanket around the project site, wherever feasible and necessary). Construction vehicles should be properly maintained and equipped with exhaust mufflers that meet state standards;
- Impact tools (e.g., jack hammers and pavement breakers) used for construction should be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust should be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves should be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures should be used such as drilling rather than impact equipment whenever feasible; and
- Stationary noise sources should be located as far from sensitive receptors as possible. If they must be located near sensitive receptors, they should be muffled to the extent feasible and enclosed within temporary sheds.

Measure N-3: This measure applies to the Skywest Pump Station. The City shall design the pump station with noise attenuation such that external noise levels at the property line of the closest sensitive receptor would not exceed 65 or 70 DNL, as appropriate. After completion of the project and during testing of the pump station, the City shall conduct noise tests to ensure that this noise standard is met.

TRANSPORTATION / TRAFFIC

Measure T-1: This measure applies to the following components: proposed Skywest Pump Station, proposed pipeline, ball valve replacements, and EBMUD improvements. The City and EBMUD shall incorporate into contract specifications the following requirement: The contractor(s) shall prepare a traffic control plan(s) in accordance with professional traffic engineering standards to show specific methods for maintaining traffic flows on roadways directly affected by pipeline installation, ball valve replacements, and EBMUD improvements. Limitations and restrictions established in the Traffic Control Plan include, but are not limited to the following:

- The City shall restrict hours of construction along Hesperian Boulevard. Specifically, construction would be limited to 9:00 a.m. to 5:30 p.m. in the southbound lane and 9:00 a.m. to 3:00 p.m. on the northbound lane.
- The City shall restrict construction activities for the Skywest Drive / Golf Course Road portion of the pipeline installation to 7:30 a.m. to 4:30 p.m..
- The City shall restrict construction activities for the ball valve sites located in the middle of roadways or intersections to the hours established for construction on Hesperian Boulevard above.
- Contractors shall provide flagger-control along pipeline installation sites to manage traffic control and flows.
- Contractors shall limit the construction work zone in each block to a width that, at a minimum, maintains alternate one-way traffic flow past the construction zone.
- To minimize disruption of access to driveways to adjacent land uses, contractor(s) will be required to maintain steel trench plates at the construction sites to restore access across open trenches. Construction trenches in streets will not be left open after work hours.
- Construction work areas will be secured (i.e., fencing) such that the public is not endangered as a result of construction activities.
- Contractors shall post advanced warning of construction activities to allow motorists to select alternative routes in advance.
- The City shall notify emergency service providers in advance of construction activities for the pipeline component.

DRAFT *U/X 6/29/04*

HAYWARD CITY COUNCIL

RESOLUTION NO. 04-

Introduced by Council Member _____

**RESOLUTION APPROVING THE ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING
PROGRAM AND APPROVING PLANS AND
SPECIFICATIONS FOR THE WATER SYSTEM
INTERTIE PROJECT, PROJECT NO. 7090, AND CALL
FOR BIDS**

WHEREAS, on April 8, 2003, the City Council of the City of Hayward approved the Emergency Water System Interie Project and the Initial Study/Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program; and

WHEREAS, since approval of the project, the City has determined that the original site should be preserved for development of other uses, and has subsequently located an alternative site located at the southwest corner of Skywest Drive and Hesperian Boulevard; and

WHEREAS, staff has prepared an addendum to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward as follows:

1. That the Addendum to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Emergency Water System Interite Project, Project No. 7090 is hereby approved; and
2. That those certain plans and specifications for construction of the Water System Intertie, Project No. 7090, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project; and
3. That the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law; and
4. That sealed bids therefor will be received by the City Clerk's office at City Hall, 777 B Street, Hayward, California 94541-5007, up to the hour of 2:00 p.m. on Tuesday, August 17, 2004, opened and declared by the City Clerk in Conference Room 4D, City Hall, Hayward, California; and

5. That the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.
6. That this project is categorically exempt under the guidelines of the California Environmental Quality Act, section 15301, Existing Facilities.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

mhl
6/30/04

**RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE VARIOUS DOCUMENTS RELATED TO
THE EMERGENCY WATER SYSTEM INTERTIE
PROJECT**

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute the following on behalf of the City of Hayward:

1. a lease agreement with East Bay Municipal Utility District (EBMUD) and San Francisco Public Utility Commission (SFPUC) for the Skywest Pump Station Site, in a form to be approved by the City Attorney; and
2. An amendment to the lease agreement with Dr. Chavez for the Hayward Air Plaza, Inc., to include a water line easement, in a form to be approved by the City Attorney; and
3. a water line easement within Airport Property to SFPUC and EBMUD, in a form approved by the City Attorney

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

NH
6/28/04

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION AUTHORIZING AN AMENDMENT TO
THE AGREEMENT WITH CAROLLO ENGINEERS FOR
THE EMERGENCY WATER SYSTEM INTERTIE
PROJECT, PROJECT NO. 7090, FOR ADDITIONAL
PROFESSIONAL SERVICES

WHEREAS, on April 8, 2003, the City Council authorized execution of an agreement with Carollo Engineers for professional services for the Emergency Water System Intertie Project, Project No. 7090, in an amount not to exceed \$1,100,000, which includes \$100,541 for additional services; and

WHEREAS, during the design period, additional services were requested by EBMUD and SFPUC which exceeded the allocated extra services amount; and staff is recommending an increase in the not-to-exceed amount to \$475,541 with a total not-to-exceed amount of \$1,475,000; and

WHEREAS, the increase in the project's cost will be repaid by SFPUC and EBMUD.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to execute an amendment to the agreement with Carollo Engineers to increase the authorized expenditure amount for additional services to \$475,541, for a total not to exceed amount of \$1,475,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward